MONTANA LEGISLATIVE HISTORY

Chapter 29 19 67

Bill H 430 S _____ Original bill & history NOC

H. Committee on Judiciary		S. Committee on Banking & Ins.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
_____	___C	_____	___C
1/27	✓C	2/3	✓C
_____	___C	_____	___C
Date Out 1/28	✓C		

Did this bill originate in an interim committee? ___Yes X No

Committee _____ Report _____

JUDICIARY COMMITTEE

January 27, 1967

The House Judiciary Committee met in the committee roo upon adjournment January 27. Chairman Mather presided. All members were present except: Stratton, Jensen, Bailey, Sulliv and Stimatz.

HB 348, pertaining to shooting firearms across a road, discussed. Appearing as proponents were:

Rep. Giesick, chief sponsor
Orville Lewis, Chief of Law Enforcement,
Montana Fish and Game Department
Hank Wilson, President, Montana Farm Bureau.

HB 522 - increasing the preference for Montana residen was discussed. Appearing as proponents were:

Rep. Giesick, chief sponsor
George Pirrie, for the Montana Building Chapter, Inc. of the Associated General Contractors of America

HB 368 - insuring free competition between gas and ele companies - was discussed. Only proponent appearing:

Rep. Gilbrick, chief sponsor
George Pirrie, for the Montana Building Chapter, Inc. of the Associated General Contractors of America, Inc.

HB 368 - insuring free competition between gas and electric companies - was discussed. Only proponent appearing:

Rep. Romney, chief sponsor, who read a prepared statement and asked that it be made a part of the record.

HBs 428, 429 and 430, regarding insurance companies, were discussed together. Appearing as proponents were:

Rep. Wallander, chief sponsor.
E. V. "Sonny" Omholt, State Auditor and State Insurance Commissioner
Thomas Dowling, Attorney for the State Insurance Department.

HBs 378 and 447 were passed for the day because one was not mimeographed and the chief sponsor of the other was not present.

HBs 193 and 197, the Judges bills, were again discussed, and appearing to discuss the proposed amendments was:

Pat Hooks, Attorney at Law, Townsend, Montana.

Coan made a motion that HB 193 DO PASS, AS AMENDED.

And, further, at line 14 of the original bill inserting after the word "municipal" the word "street,"; after the word "county" the word "road", and by deleting from said line 14 the words "street, road or", and, as amended, do pass.

The motion carried.

Harrison moved that HB 348 DO PASS, AS AMENDED. The motion carried.

Goan made a motion that HB 522, DO NOT PASS. The motion carried.

Hemstad made a motion that HB 368 DO NOT PASS. The motion carried, with Baeth and Prevost being on record against the motion.

Mr. Murphy moved that HB 428 DO PASS. Motion carried unanimously.

Mr. Hemstad moved that HB 429 DO PASS. Motion carried unanimously.

Mr. McCulloch moved that HB 430 DO PASS. Motion carried unanimously.

There being no further business, the meeting adjourned.

☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

January 28 19 67

MR. [redacted] SPEAKER:

We, your committee on JUDICIARY

having had under consideration... House Bill No. 430

A BILL FOR AN AC "AN ACT TO AMEND SECTION 40-3506, R.C.M. 1947, RELATIVE TO FINANCIAL STATEMENTS; ADDING PROVISIONS FOR A CONFINEMENT FOR AIDING AND ABETTING THE FILING OF FALSE STATEMENTS OF INSURANCE COMPANIES."

H.B. 428 - Groff moved that H.B. 428 Be Concurred In. Ma
seconded and the motion carried.

H.B. 429 - Lehrkind moved that H.B. 429 Be Concurred In.
seconded and the motion carried.

H.B. 430 - McDonald moved that H.B. 430 Be Concurred In.
seconded and the motion carried.

Further discussion was held on S.B. 46. Lehrkind moved th
roll call be taken on this bill. McDonald seconded and the mo
carried. The roll call was as follows:

DeWolfe	-	No
Vainio	-	No
Groff	-	No
Hafferman	-	No
McDonald	-	Aye
Lehrkind	-	Aye
Mathers	-	No

mony, under oath, of individuals concerning its affairs, and conclusions and recommendations as warranted by such facts.

Penalty for destroying records.

(3) *Any director, officer, agent or employee of any company who destroys any books, records or documents required to be kept by law for the purpose of hindering any examination in violation of the requirements of this section shall be punished by a fine of not more than one thousand dollars ($1,000), and, after a hearing thereon for that purpose, the commissioner may revoke the certificate of authority of such company.*

Copy of report furnished.

(4) The commissioner shall furnish a copy of the proposed report to the person examined not less than twenty (20) days prior to filing the same in his office. If such person so requests in writing within such twenty-day period, the commissioner shall grant a hearing with respect to the report, and shall not so file the report until after the hearing and after such modifications, if any, have been made therein as the commissioner deems proper.

Verified report evidence of facts stated.

(5) The report when so verified and filed shall be presumptive evidence, in any action or proceeding brought by the commissioner against the person examined, or against its officers or agents, of the facts stated therein. The commissioner and his examiners may at any time testify and offer other proper evidence as to information secured during the course of an examination, whether or not a written report of the examination has at that time been either made, served, or filed in the commissioner's office.

Withholding of report from public.

(6) The commissioner may withhold from public inspection any examination or investigation report for so long as he deems such withholding to be necessary for the protection of the person examined against unwarranted injury or to be in the public interest.

Publishing report.

(7) If he deems such to be in the public interest the commissioner may publish any such examination report or a summary thereof in one or more newspapers in the state."

Approved: February 10, 1967.

CHAPTER 29

An Act to Amend Section 40-3506, R.C.M. 1947, Relating to False Financial Statements; Adding Provisions for a Penalty and Confinement for Aiding and Abetting the Filing of False Financial Statements of Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 40-3506, R.C.M. 1947, be amended to read as follows: Amending clause.

"40-3506. **False financial statements.** (1) No person shall file with any supervisory or other public official, or make, publish, disseminate, circulate or deliver to any person, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. False financial statements.

(2) No person shall make any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omit to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer, *and any person who aids or abets in any such violation of this section shall be punishable, upon conviction, by a fine of one thousand dollars ($1,000) or by imprisonment in the county jail for six (6) months, or both such fine and imprisonment.*" False entry in records. Penalty for violation.

Approved: February 10, 1967.

CHAPTER 30

An Act Amending Sections 53-418, 53-422, 53-432, and 53-438, R.C.M., 1947, Relating to Motor Vehicle Liability Insurance Increasing Minimum Proof of Financial Responsibility From Five Thousand Dollars ($5,000) Because of Bodily Injury to or Death of One